

**Robbins Geller  
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David A. Rosenfeld  
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November 5, 2013

VIA ECF

The Hon. Laura Taylor Swain  
United States District Court  
Southern District of New York  
New York, NY 10007

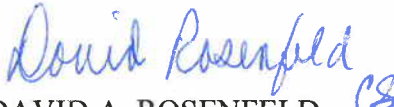
Re: Dempsey v. Vieau, et al., No. 1:13-cv-06883-LTS

Dear Judge Swain:

In compliance with your Initial Conference Order dated October 21, 2013 (the "Order"), please be advised that a copy of the Order was faxed to counsel for defendants, Jeff G. Hammel, Esq., Latham & Watkins LLP, on October 23, 2013. A copy of the facsimile confirmation is attached hereto.

Mr. Hammel has agreed to accept service of the complaint on behalf of defendants, David P. Vieau and David J. Prystash. Waivers of Service of Summons have been sent to counsel for signature. Upon return of the signed waivers, we will promptly file the documents with the Court.

Respectfully submitted,

  
DAVID A. ROSENFELD

DAR:Enclosure

cc: Jeff G. Hammel, Esq. (via ECF)

## Confirmation Report - Memory Send

Page : 001  
 Date & Time: Oct-23-2013 12:43pm  
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## FACSIMILE

**To:** Jeff G. Hammel, Esq. **Fax No.** 212/751-4864 **Telephone No.** 212/906-1200

**From:** David A. Rosenfeld **Date:** October 23, 2013  
**Case Code:** 130141-00001  
**Subject:** *Dempsey v. Yleau, et al.*  
 Civil Action No. 1:13-cv-6883-LTS (S.D.N.Y.)

## Message/Document(s) faxed:

Please see attached.

Please call fax operator at 631/367-7100 if all pages are not received.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Richard Dempsey

Plaintiff(s),

-against-

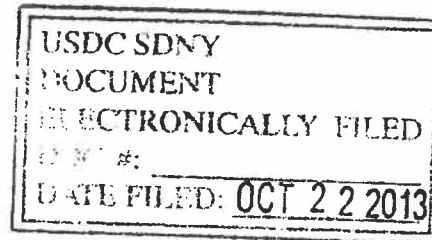
David Vieau and David Prystash,

Defendant(s).

\_\_\_\_\_  
LAURA TAYLOR SWAIN, DISTRICT JUDGE:

No. 13 Civ. 6883 (LTS)(SN)

INITIAL CONFERENCE ORDER



1. This case has been designated for inclusion in the S.D.N.Y. Pilot Project for Complex Civil Cases.
2. It is hereby ORDERED that a pre-trial conference will be held in the above-captioned matter on **January 10, 2014 at 10:45 a.m.** in Courtroom No. 17C<sup>1</sup>, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007. It is further
3. ORDERED that counsel<sup>2</sup> for Plaintiff(s) must serve a copy of this Initial Conference Order within fourteen (14) calendar days following the date of this order, on each Defendant that has already been served with the summons and complaint, that a copy of this Initial Conference Order must be served with any subsequent process that brings in additional parties, and that proof of such service must be filed promptly with the Court. It is further
4. ORDERED that counsel for the parties confer preliminarily at least twenty-one (21) days prior to the date set forth in paragraph 1 above to discuss the following matters:
  - a. Facts that are not disputed and facts that are in dispute.
  - b. Contested and uncontested legal issues.
  - c. All applicable matters described in section I.A. of the S.D.N.Y., October 2011 Judicial Improvements Committee Report Concerning the Pilot Project Regarding Case Management Techniques for Complex Civil Cases ("Complex Case Management Report") and Exhibits A and B thereto.
  - d. Whether each party consents to trial of the case by a magistrate judge.

It is further

<sup>1</sup> On the day of the conference, check the electronic board in the lobby to be certain of the proper courtroom.

<sup>2</sup> As used in this Order, the term "counsel" means, in the case of an individual party who is proceeding Pro-se, such party.

5. ORDERED that counsel for all parties must confer and must prepare, execute and file with the Court, with one courtesy copy provided to chambers of the undersigned, no later than seven (7) calendar days before the date set forth in paragraph 2 above a single document captioned Initial Conference Report, which must be signed by all counsel, and must set forth the following information, and which will constitute the written report required by Fed. R. Civ. P. 26(f):
- A concise statement of the nature of this action.
  - Whether there are any pending related criminal or civil actions.
  - A concise statement of each party's position as to the basis of this Court's jurisdiction of the action, with citations to all statutes relied upon and relevant facts as to citizenship and jurisdictional amount.
  - A statement as to whether all parties consent to transfer of the case to a magistrate judge for all purposes, including trial (without identifying which parties have or have not so consented).
  - The applicable information called for by section I.A. of the Complex Case Management Report and Exhibits A and B thereto, including a Joint Electronic Discovery Submission and Proposed Order if applicable.

It is further

6. ORDERED that counsel must be prepared to discuss the foregoing at the pre-trial conference, as well as the matters described in section 1.B. of the Complex Case Management Report.
7. ORDERED that counsel attending the pre-trial conference must seek settlement authority from their respective clients prior to such conference. "Settlement authority," as used herein, includes the power to enter into stipulations and make admissions regarding all matters that the participants may reasonably anticipate discussing at the pre-trial conference including, but not limited to, the matters enumerated in the preceding paragraphs.
8. In the event that any party fails to comply with this Order, the Court may impose sanctions or take other action as appropriate. Such sanctions and action may include assessing costs and attorneys' fees, precluding evidence or defenses, dismissing the action, and/or the imposition of other appropriate penalties.
9. This case has been designated an electronic case. Counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing promptly upon appearing in the case.

IT IS SO ORDERED.

Dated: New York, New York  
October 21, 2013



LAURA TAYLOR SWAIN  
United States District Judge